



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 9, 1997

Ms. Tamara Armstrong  
Assistant County Attorney  
Travis County  
P.O. Box 1748  
Austin, Texas 78767

OR97-0040

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 103100.

Two Travis County departments, the Department of Juvenile Courts and the Juvenile Detention Department, received a request for "[c]opies of policy and procedures for safety restraints for Travis County's Juvenile Detention Department." You assert that the requested information is a record of the judiciary that is not subject to the act. In the alternative, you assert that the requested information is excepted from required public disclosure based on section 552.108 of the Government Code.

The act generally requires the public disclosure of information maintained by a "governmental body." However, the act provides that "governmental body does not include the judiciary." Gov't Code § 552.003(1)(B). You say that the requested information "cover[s] the Travis County Juvenile Court Department." Thus, we will determine whether the requested records of the Travis County Juvenile Court Department (the "department") are records of the judiciary.

The act defines a "governmental body" as including, among other things,

(X) the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds;

We believe the department is "supported in whole or in part by public funds" under this provision. Thus, if the department is not part of the judiciary, it is a governmental body subject to the act.

You state:

These policies and procedures could be considered records of the judiciary in that they are promulgated and adopted by the Board of District Judges and concern a judicial/law enforcement matter as opposed to a purely administrative matter. These policies and procedures cover the Travis County Juvenile Court Department and concern the use of force and restraints in handling juveniles who are in detention and who are to appear before a juvenile court.

In determining whether requested information is subject to the act, we examine both the governmental body and the kind of information requested. *See Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.--San Antonio 1983, no writ); Open Records Decision No. 646 (1996). The function that a governmental entity performs determines whether the entity falls within the judiciary exception to the act. *See Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.--San Antonio 1983, no writ). The department is not a court. Additionally, you have provided no information about the department to allow us to conclude that the department's function is judicial in nature. Moreover, you have not explained that the requested information was created for a judicial purpose. *See Open Records Decision Nos. 646 (1996) (entity comprised of judges that performs administrative functions is not judicial), 527 (1989 (Court Reporters Certification Board not part of judiciary since its records do not concern judicial proceedings), 236 (1980) (probationers records are records of judiciary because probation officers serve as court's agents).* We do not believe that the fact that the Board of District Judges promulgated and adopted the requested information establishes that the department is within the judiciary exception or that the requested information is a record of the judiciary.

Having determined that the requested records are subject to the act, we consider Government Code section 552.108. Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution". Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). We have reviewed the information and conclude that it is "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Consequently, the department may withhold the requested information from the requestor based on section 552.108.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 103100

Enclosures: Submitted documents

cc: Mr. Alexander Johnson  
Staff Representative  
American Federation of State,  
County and Municipal Employees  
1106 Lavaca Street, Suite 100  
Austin, Texas 78701  
(w/o enclosures)